

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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U.S. DISTRICT COURT
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----- X
MITCHELL STEIN and JULIE STEIN,

Plaintiffs,

-against-

MELVIN BENTOR, PARK SLOPE LEASING
CORPORATION, and JIANG JIAN RONG

Defendants.
----- X

P.M. _____
TIME A.M. _____
03 CV 5488 (ARR)

NOT FOR ELECTRONIC
OR PRINT
PUBLICATION

ORDER

ROSS, United States District Judge:

On May 12, 2005, defendants Bentor, Park Slope Leasing, and Rong filed motions for summary judgment. Plaintiffs responded on June 6, 2005. Defendants' memorandum of law in support of their motions for summary judgment and plaintiffs' response do not make reference to plaintiff's "gap in treatment" or the related case law, recently clarified by the Court of Appeals in Pommells v. Perez, 4 N.Y.3d 566 (2005). Defendants Bentor and Park Slope Leasing's reply memorandum of law dated July 22, 2005, primarily relies on Pommells and plaintiff's gap in treatment to support their motion for summary judgment. The Court orders that plaintiffs respond to defendants' reply, if they so choose, and supplement the record, if necessary, by September 12, 2005.

SO ORDERED.


Allyne R. Ross
United States District Judge

Dated: August 29, 2005
Brooklyn, New York

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